Third Member of Council.—If a representation is made to Government explaining the hardships, the matter will be considered.

SUBJECT No. 81.

Printing of records in appeals preferred to the Chief Court.

Messrs (1) Channakesava Rao, Koppa Taluk; (2) Sreenivasa Iyengar, Bangalore Law Association; M. Ramachandra Rao Sindhe and K. B. Puttappa, Mysore Chamber of Commerce; (3) S. R. Balakrishna Rao, Shimoga Taluk and (4) B. Sreenivasa Iyengar, Bangalore Law Association.

Mr. Srinivasiengar.—The present practice is that, when the subject matter of the appeal is Rs. 300 and above, the plaint and evidence have to be printed. It is understood that this practice is going to be altered and hereafter all records in all appeal cases should be printed irrespective of the value of the suit. If this is so, the cost of appeal would certainly be very heavy. Even records of cases of the value of Rs. 10 will have to be printed which would be a great hardship. For the purposes of the Judges, copies of material papers can be got by the typewriter without putting the poor parties to unnecessary expense.

Chief Secretary to Government.—No orders are yet passed to that effect.

Mr. Srinivasa Iyengar.—Our information is that the Government are about to issue an order as above. If the information is wrong, we will withdraw the subject.

SUBJECT No. 82.

Non-levy of translation charges in appeals preferred to the Chief Court.

Messrs. (1) B. Srinivasa Iyengar, Bangalore Law Association and (2) S. R. Balakrishna Rao, Shimoga Taluk.

Mr. S. R. Balakrishna Rao.—The matter is worth discussing in the Assembly. There are two points to be discussed. The first is about printing of appeal records. In regard to this matter, there is a proposal before Government as aforesaid although final orders are not yet passed. We have no objection to printing, if the case is complicated and the records are bulky, irrespective of the value of the suit. But in other cases which are comparatively easy, a discretion may be vested in the Registrar of the Chief Court to determine whether the records should be printed or not. In such cases, no limit as to value need be fixed.

The second point is about the translation of records. This is rather a costly affair. The proposal is to levy a fee of 8 annas per sheet of translated matter. There is no need ordinarily to translate any papers. There may be a few papers in Urdu or any other language which needs to be translated. In the case of Kannada records, there should be no translation at all. Till now, the Chief Court Office was submitting papers to the Judges with translations of material papers without any fee from the parties. There is no doubt that the charges will be enormous as there is no limit to translations. The parties should not be burdened with this extra levy which had not been levied hitherto.

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The third point is, the Chief Court want us to produce fair copies of all papers to be printed. We are now producing copies of decrees and judgments but not copies of evidence. But the Chief Court want to ensure that the original papers from the records are not lost in the process of transmission to the Printing office and therefore want the parties themselves to supply copies. There are real inconveniences in this procedure. In the first place, copies of the records wanted by the Chief Court to be produced for printing are not useful to the parties after the records are printed. The parties will have to pay firstly for copies which must necessarily be certified copies, then they have to pay for translation and at that rate, litigation will be much more expensive and prohibitive to the public. If the Chief Court fear that the original records would be lost in the process of printing, they can entrust the papers to a careful printer whose carefulness in handling the papers they must be able to guarantee. Unless this is done, parties will be put to very great hardships. In the matter of translation, we requested the Chief Court to have translations made by the officers of the Court as heretofore, but they say it is not possible. Translation is in fact meant for the use of the Judges rather than for the Counsel. In these circumstances, the office should naturally provide the Judges with translations.

Similarly, supplying copies of all records for printing means heavy cost to the parties. The Chief Court, however, do not think that this is so. But as a matter of fact, the parties do not obtain copies of many papers in the records as they may not be necessary for them. Sometimes, we get copies from the adversary or copies are made from the adversaries' copies, in fact all sorts of devices are resorted to, to keep down the cost to the parties. If we have to supply copies for printing, they must surely be certified copies. The Chief Court, however, point to the practice in British India. The analogy should not hold good in the case of Mysore. There is a lot of difference between Mysore and British India. In British India, the people are comparatively richer and the cost of litigation is also higher. The earning capacity of the people is also higher there than in Mysore. Without taking any analogy, we must be relieved of the heavy burden proposed to be imposed in regard to copies, translation and printing.

It is also said that, in some cases, the cost of printing itself has gone up out of all proportion to the value

of the appeal. Hence, our representation should be placed before the Chief Court for a sympathetic consideration, and Government should pass orders in the light of the observations made here. We also pray that, before passing final orders, the proposed draft order in the case should be sent to the Bar Association for opinion.

Dewan.—The Chief Court are going to send up their proposals to Government and we shall consider your representation then.

SUBJECT No. 83.

Appointment of Court Guardians for minor defendants.

Messrs. C. Subba Rao, P. Venkappiah, Shimoga District Board, and G. M. Kadappa Shimoga Municipality.

Mr. C. Subba Rao.—In all cases where there is a minor defendant, an official guardian is appointed in cases where the relations of the defendant do not appear for him. In such cases, the official guardians are to be paid at the rate of not less than 5 per cent. Even when they do not incur any sort of expenditure, the fees will have to be paid.

Third Member of Council.—Is not the unexpended amount returned? The guardian whoever he may be is expected to give accounts for the money he has received.

Mr. Balakrishna Rao.—Supposing there is a suit for a pro-note for the value of five thousand rupees, we have to deposit at the rate of 5 per cent for nothing at all. In this case, there is absolutely no expense at all. There is no definite rule as to what amount is to be deposited, but the Judge simply says that 5 per cent must be deposited. Hence I pray that some definite rule may be passed.

Sometimes, the man appointed as guardian will have no instructions at all to contest the case. But he will merely put the plaintiff to proof.

Mr. C. Subba Rao.—In cases where official guardians are appointed, some percentage will have to be fixed and not five per cent. There will be no objection to give him a certain low percentage for the trouble he takes. Or it may be laid down that the actual cost incurred should be paid.

Sometimes, a minor defendant is subjected to a cost which he would never have incurred if he were himself suing.

Third Member of Council.—It entirely depends on the discretion of the presiding Judge. After all, it is a small matter. If there are any such individual cases, they may be brought to the notice of the Chief Court or to Government. You may also insist upon